


<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/785,800	STRASSER, ERICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hoon Song	2882	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed on May 10, 2004.
2. ☒ The allowed claim(s) is/are 3-12, 15, 17-23 and 25-36.
3. ☒ The drawings filed on 16 February 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 3-12, 15, 17-23 and 25-36 allowed over prior art.

The following is an examiner's statement of reasons for allowance:

None of the prior art teaches or suggests a method of operation of a position measuring device by converting a value of a controlling variable into a digital signal suitable for serial transmission, transmitting said digital signal in a defined serial transmission protocol to an electronic evaluation unit downstream of said position measuring device via a transmission device and setting a scanning spacing between a scanning plane and a measuring gradation plane with an aid of displayed value of said controlling variable, which act as a measure for a current scanning spacing for setting a predetermined, optimal scanning spacing as claimed in independent claim 3.

Claims 4-12 are allowed by virtue of their dependency.

None of the prior art teaches or suggests a position measuring device for generating position dependent output signals having a conversion device for converting a value of a controlling variable into a digital signal suitable for serial transmission, wherein said conversion device is followed by a transmission device for transmitting said digital signal in a defined serial transmission protocol to an electronic evaluation unit and a calibration element for setting a scanning spacing, which is defined as a spacing between a scanning plane and a measurement gradation plane as claimed in independent claim 15.

Claims 17-23 are allowed by virtue of their dependency.

None of the prior art teaches or suggests a method for operating a position measuring device by ascertaining a value of a controlling variable required for regulating, converting said controlling variable into a variable that directly corresponds to an actual scanning spacing, displaying said value of said variable that directly corresponds to an actual scanning spacing and setting a scanning spacing between a scanning plane and a measuring graduation plane with the aid of said displayed value of said variable that directly corresponds to said actual scanning spacing, which acts as a measure for a current scanning spacing for setting a predetermined, optimal scanning spacing as claimed in independent claim 26.

Claims 25 and 27-34 are allowed by virtue of their dependency.

None of the prior art teaches or suggests a method for operating a position measuring device by converting said value of a controlling variable into a digital signal suitable for serial transmission, transmitting said digital signal in a defined serial transmission protocol to an electronic evaluation unit downstream of said position measuring device via a transmission device, wherein said transmission digital signal is transmitted with a predetermined bit width and displaying said converted value of said controlling variable wherein said displayed value of said converted controlling variable is evaluated as a general measure for a function state of said position measuring device as claimed in independent claim 35.

Claim 36 is allowed by virtue of their dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoon Song whose telephone number is (571) 272-2494. The examiner can normally be reached on 8:30 AM - 5 PM, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272 - 2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID V. BRUCE  
PRIMARY EXAMINER